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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of:  
Phillip Merrick et al.  
Application No. 09/274,979  
Filed: March 23, 1999  
For: XML REMOTE PROCEDURE CALL

DECISION ON PETITION  
UNDER 37 CFR §1.181 TO  
WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the petition filed 19 March 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 05 August 2003 (paper no. 25). A Notice of Abandonment was mailed 10 March 2004 (paper no. 26).

In support of the petition, Petitioner provides a copy of (1) an amendment, (2) a "transmission verification report", and (3) an "auto-reply facsimile transmission" from the United States Patent and Trademark Office showing receipt of a 34 page transmission, transmitted 05 January 2004.

The "auto-reply facsimile transmission" from the United States Patent and Trademark Office for the response filed 05 January 2004 establishes that a response to the Office action of 05 August 2003 was filed on 05 January 2004. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for entry of the amendment and for charging a two-month extension of time to Deposit Account 19-4880. After processing, the application will then be forwarded to the Examiner for appropriate action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



Vincent N. Trans

Special Program Examiner

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